

Senate File 394 - Introduced

SENATE FILE 394
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1091)

A BILL FOR

- 1 An Act creating a high performance certification program
- 2 applicable to certain public buildings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 473B.1 High performance public
2 building certification — program established — legislative
3 intent.

4 The intent of the general assembly is to promote
5 effective energy and environmental standards for the design,
6 construction, renovation, and maintenance of public buildings.
7 These standards shall improve the capacity of the state to
8 operate high performance buildings and thereby increasing
9 energy independence, increasing demand for environmentally
10 preferable building materials, finishes, and furnishings,
11 reducing waste generation and manage waste through recycling
12 and diversion from landfill disposal, and establishing life
13 cycle cost analysis as the appropriate and most efficient
14 analysis to determine the optimal performance level of a
15 building project.

16 Sec. 2. NEW SECTION. 473B.2 Definitions.

17 As used in this section, unless the context otherwise
18 requires:

19 1. *“Department”* means the department of public safety.

20 2. *“High performance certification”* means a public building
21 design, construction, and renovation standard that is certified
22 by an independent third-party organization pursuant to section
23 473B.3 as having been achieved.

24 3. a. *“Public building”* means a facility that meets all of
25 the following conditions:

26 (1) Is constructed or renovated in whole or in part
27 with state funds or with funds guaranteed or insured by a
28 state agency, with the state funding or guaranteed funding
29 constituting at least fifty percent of the project cost.

30 (2) Contains five thousand or more square feet.

31 (3) Includes a heating, ventilation, or air conditioning
32 system.

33 (4) Has not entered the design phase prior to July 1, 2011.

34 b. For purposes of this definition, a *“public building”*
35 shall not refer to or include a building constructed or

1 renovated by a school district or a city or county but shall
2 include a building constructed or renovated by an institution
3 under the control of the state board of regents.

4 4. "*State agency*" means an agency, department, authority,
5 board, commission, council, court, office, bureau, institution,
6 unit, or division of the executive or judicial branches of
7 state government, whether elected or appointed, including
8 institutions under the control of the state board of regents.

9 5. "*Substantial renovation*" means any renovation of a
10 public building the cost of which exceeds fifty percent of the
11 replacement value of the facility.

12 Sec. 3. NEW SECTION. 473B.3 Program established.

13 1. The department shall adopt rules creating a program
14 establishing a high performance certification process. The
15 objectives of the program shall include the following:

16 a. Reducing operating costs of public buildings by
17 decreasing the consumption of energy, water, and other
18 resources, and where feasible increasing the use of wind,
19 solar, geothermal, and other proven sources of alternative
20 energy.

21 b. Recovering the increased initial capital costs
22 attributable to compliance with the program by reducing
23 long-term energy, maintenance, and operating expenses.

24 c. Improving the indoor environmental quality of public
25 buildings for a healthier work environment.

26 2. A state agency designing, constructing, or controlling
27 the substantial renovation of a public building on or after
28 July 1, 2011, shall be required to submit design plans and
29 specifications to the department for approval before contracts
30 for the construction or substantial renovation are let. A
31 proposal shall not be approved unless high performance
32 certification is achieved, subject to the provisions of
33 subsection 3. The department shall adopt rules establishing
34 a certification process by an independent third party that
35 the design, construction, or substantial renovation, based

1 upon a life cycle cost analysis conducted pursuant to chapter
2 470, meets the minimum standards of the United States green
3 building council's leadership in energy and environmental
4 design rating system, the green building initiative's green
5 globes rating system, or standards developed by an alternative
6 nationally recognized third-party organization designated by
7 the department.

8 3. Notwithstanding subsection 2, the department may waive
9 the high performance certification requirement if a state
10 agency submits an estimate indicating that the increased
11 initial costs of achieving certification are projected to
12 exceed five percent of the total design and construction or
13 substantial renovation costs, and the department determines
14 that the public building is not anticipated to recoup these
15 costs through decreased operational and maintenance expenses
16 within five years. In the event a waiver is granted, an
17 accredited construction, engineering, or architectural
18 professional associated with the proposed public building
19 project shall submit to the department a written declaration
20 that to the extent possible the construction or substantial
21 renovation shall be executed in a manner which is consistent
22 with the program's high performance certification standards.
23 A waiver pursuant to this subsection shall not be granted if
24 the department determines that the public building can be
25 anticipated to recoup the increased costs within five years.

26 4. A public building of less than ten thousand square feet,
27 nonsubstantial renovations of public buildings, and public
28 building maintenance programs shall, to the extent possible,
29 conform to high performance certification standards.

30 5. The department shall identify and seek to have public
31 buildings receiving high performance certification designated
32 as an energy star building pursuant to the energy star program
33 developed and jointly administered by the United States
34 environmental agency and the United States department of
35 energy.

1 6. The department shall develop and implement a process
2 to monitor and evaluate the program, and shall, by January 1
3 annually, submit a report regarding compliance with program
4 guidelines, indicating the number of public buildings receiving
5 high performance certification, and describing any resulting
6 energy and environmental benefits observed.

7 EXPLANATION

8 This bill establishes a high performance certification
9 program administered by the department of public safety and
10 applicable to public buildings.

11 The bill states that the intent of the general assembly is to
12 promote effective energy and environmental standards for the
13 design, construction, renovation, and maintenance of public
14 buildings. The bill further states that these standards will
15 improve the capacity of the state to operate high performance
16 buildings to increase energy independence, increase demand for
17 environmentally preferable building materials, finishes, and
18 furnishings, reduce waste generation and manage waste through
19 recycling and diversion from landfill disposal, and establish
20 life cycle cost analysis as the appropriate and most efficient
21 analysis to determine the optimal performance level of a
22 building project.

23 The bill provides that the department shall adopt rules
24 establishing the program, with objectives which include
25 reducing operating costs of public buildings by decreasing the
26 consumption of energy, water, and other resources and where
27 feasible increasing the use of wind, solar, geothermal, and
28 other proven sources of alternative energy; recovering the
29 increased initial capital costs attributable to compliance
30 with the program over time by reducing long-term energy,
31 maintenance, and operating expenses; and improving the indoor
32 environmental quality of public buildings for a healthier work
33 environment. The bill defines a public building as a facility
34 that is constructed or renovated in whole or in part with state
35 funds or with funds guaranteed or insured by a state agency,

1 with state or guaranteed funds constituting at least 50 percent
2 of the project cost; that contains 5,000 or more square feet;
3 includes a heating, ventilation, or air conditioning system;
4 and has not entered the design phase prior to July 1, 2011.
5 The bill specifies that a public building shall not include
6 a building constructed or renovated by a school district or
7 a city or county but shall include a building constructed or
8 renovated by an institution under the control of the state
9 board of regents.

10 The bill provides that a state agency, as defined in the
11 bill, which is designing, constructing, or controlling the
12 substantial renovation of a public building on or after
13 July 1, 2011, shall be required to submit design plans and
14 specifications to the department for approval before contracts
15 for the construction or substantial renovation are let. The
16 bill defines "substantial renovation" to mean any renovation
17 of a public building the cost of which exceeds 50 percent
18 of the replacement value of the facility. The bill provides
19 that a proposal shall not be approved unless high performance
20 certification is achieved pursuant to a process conducted
21 by an independent third party certifying that the design,
22 construction, or substantial renovation meets the minimum
23 standards of the United States green building council's
24 leadership in energy and environmental design rating system
25 (LEED), the green building initiative's green globes rating
26 system, or standards developed by an alternative nationally
27 recognized third-party organization designated by the
28 department.

29 The bill provides for a waiver from these requirements if a
30 state agency submits an estimate indicating that the increased
31 initial costs of achieving certification are projected to
32 exceed 5 percent of the total design and construction or
33 substantial renovation costs, and the department determines
34 that the public building is not anticipated to recoup these
35 costs through decreased operational and maintenance expenses

1 within five years. In this event, the bill requires an
2 accredited construction, engineering, or architectural
3 professional associated with the proposed public building
4 project to submit a written declaration that to the extent
5 possible the construction or substantial renovation shall be
6 executed in a manner which is consistent with the program's
7 high performance certification standards. The bill states that
8 a waiver shall not be granted if the department determines that
9 the public building can be anticipated to recoup the costs
10 within a five-year period.

11 The bill provides that public buildings of less than 10,000
12 square feet, nonsubstantial public building renovations, and
13 public building maintenance programs shall, to the extent
14 possible, conform to high performance certification standards.

15 The bill directs the department to identify and seek to
16 have public buildings receiving high performance certification
17 designated as an energy star building pursuant to the energy
18 star program developed and jointly administered by the United
19 States environmental agency and the United States department
20 of energy.

21 The bill requires the department to develop and implement
22 a process to monitor and evaluate the program and to submit a
23 report regarding compliance with program guidelines, the number
24 of public buildings receiving high performance certification,
25 and resulting energy and environmental benefits observed, by
26 January 1 annually.